IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3917 OF 2006

The State of Maharashtra ..Applicant
Vs.
Ambadas Shankar Page ..Respondent

Mrs. S.D. Shinde, APP for applicant-State.

CORAM: B.H. MARLAPALLE & R.S. MOHITE,JJ.

Date : February 21, 2007.

P.C.:

1. Heard the learned APP. This is an application praying for leave to appeal under Section 378(3) of the Cr.P.C. against the order of acquittal passed by the learned VII Ad-hoc Addl. Sessions Judge at Nasik whereby the accused Ambadas Shankar Page came to be acquitted for the offences punishable under Sections 323, 376 and 506 of IPC in Sessions Case No. 12 of 2006.

2. We have gone through the reasoning set out by the trial court as well as the evidence of PW 4 Dr. Prashant and PW 6 Dr. Mandakini. The complainant-prosecutrix was a married woman and the circumstances from the medical examination of the prosecutrix did not prove beyond doubt, in the absence

of any other corroborative evidence, that the accused was guilty of an offence punishable under Sections 323, 376 and 506 of IPC. The trial court rightly observed the possibility of a scuffle arising out of some dispute between the prosecutrix, her husband and the accused whereby an attempt was made to frame the accused. We do not find any reason to hold that the reasoning set out by the trial court requires reconsideration by us.

3. Hence the application is rejected.

(R.S. Mohite, J.) **(B.H. Marlapalle,J.)**